

Attorney Docket No.: RU-0170
Inventors: Lam and del Pozo
Serial No.: 10/009,472
Filing Date: November 5, 2001
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REMARKS

Claims 1-20 are pending in this application. Applicants are respectfully requesting reconsideration of the restriction requirement. No new matter has been added.

The Examiner has made a restriction requirement under 35 U.S.C. §121 as follows:

Group I, claims 1-9, drawn to a chimeric protein for detecting the presence or activity of a predetermined protease in a biological sample;

Group II, claims 10-17, drawn to a method for determining the presence or activity of a predetermined protease in a biological sample;

Group III, claim 18, drawn to a method for determining if a test compound affects the amount or activity of a pre-determined protease;

Group IV, claims 19-20, drawn to a kit for detecting the presence or activity of a predetermined protease.

The Examiner suggests that the invention listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same or corresponding special technical features as pursuant to 37 CFR 1.475(d) the ISA/US considers that where multiple products and

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processes are claimed, the main invention shall consist of the first invention of the category first mentioned in the claims and the first recited invention of each of the other categories related thereto. Group I is suggested to comprise the first recited product, a chimeric protein for detecting the presence of a protease.

Further, the Examiner states that pursuant to 37 C.F.R. 1.475(d) the ISA/US considers that any feature which the subsequently recited products and methods share with the main invention does not constitute a special technical feature within the meaning of PCT Rule 13.2 and that each of such products and methods accordingly defines a separate invention.

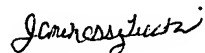
Applicants respectfully point out that, under PCT Rule 13.2 "[w]here a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

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As acknowledged by the Examiner, all of the claims of the present invention share the same technical feature as being related to detection of the presence or activity of a predetermined protease. Accordingly, since the instant restriction requirement fails to meet criteria for proper restriction under both PCT Rule 13.1 and 13.2, withdrawal of the requirement is respectfully requested.

However, Applicants have been advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed. Accordingly, Applicants elect Group I for examination with traverse.

Respectfully submitted,



Jane Massey Licata
Registration No. 32,257

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Licata & Tyrrell P.C.
66 E. Main Street
Marlton, NJ 08053

856-810-1515